

REMARKS

This is in response to the restriction requirement made in the Office Action mailed on April 22, 2003. Reexamination and reconsideration in light of the above amendments and the following remarks are courteously requested.

Claims 1-165 are currently pending in this application with claims 1, 22, 23, 26, 46, 66, 99, 100, 104, 137, 138, 142, 163, 164, 165 being independent. No new matter is added.

The restriction requirement of April 22, 2003 asserts an existence of the following independent and distinct inventions:

Species I, illustrated in figures 5-8, 15-17, 18-24, 26-27;

Species II, illustrated in figures 9-14.

The restriction requirement further asserts the existence of claims 1, 26, 46, 66, 104, 142 as generic claims.

The Applicant, through its representatives and attorneys, hereby provisionally elects, with traverse, the invention of the alleged Species II having claims 1-2, 14-17, 26, 28, 32, 35-37, 42, 46, 48, 52, 55-57, 62, 66-67, 82-87, 104-105, 120-125, 142-143, 149-154.

For the reasons provided hereinbelow, the restriction requirement made within the Office Action mailed on April 22, 2003 is respectfully traversed.

The above-identified application is an application under 35 U.S.C. §371.

M.P.E.P. §1893.03(d), 8th Edition, August 2001, provides that the **principles of unity of invention** are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application.

Unity of invention, **not restriction practice**, is applicable in international applications and in national stage (filed under 35 U.S.C. §371) applications.

When making a lack of unity of invention requirement, the examiner must (1) **list the different groups of claims** and (2) **explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept)** specifically describing the unique special technical feature in each group. M.P.E.P. §1893.03(d).

(1) List the different groups of claims:

The restriction requirement of April 22, 2003 lists species I, as illustrated in figures 5-8, 15-17, 18-24, 26-27; and further lists species II, as illustrated in figures 9-14.

(2) Explain why each group lacks unity with each other group:

The restriction requirement of April 22, 2003 contends that the application contains claims directed to patentably distinct species of the claimed invention.

In response, M.P.E.P. §1893.03(d), 8th Edition, August 2001, further explains that a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression "special technical feature" is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

The restriction requirement asserts the existence of claims 1, 26, 46, 66, 104, 142 as generic claims. But being generic is an admission that the special technical features found within claims 1, 26, 46, 66, 104, 142 are common or corresponding to

both species I and species II. Thus, evidence of least one common or corresponding special technical feature between the species is provided as a result.

As shown hereinabove, at least one common or corresponding special technical feature exists between species I and species II. Thus, a unity of invention exists and restriction is improper.

Withdrawal of the restriction requirement and an examination of all pending claims are respectfully requested.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Respectfully submitted,
for: Ronald P. Kananen
Reg. No. 24,104



Brian K. Dutton
Reg. No. 47,255

DATE: May 21, 2003

RADER, FISHMAN & GRAUER PLLC
Lion Building
1233 20th Street, N.W.
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353

APPENDIX

IN THE CLAIMS

Please amend the claims as follows.

60. (amended) A display device as set forth in claim ~~61~~51, wherein said display element is connected to the first terminal of said third transistor and a constant voltage source is connected to the second terminal of said third transistor.

120. (amended) A pixel circuit as set forth in claim ~~121~~105, wherein

the drive part shares the conversion use insulating gate type field effect transistor together with the converting part in a time division manner, and

the drive part separates the conversion use insulating gate type field effect transistor from the receiving part and uses the same for driving after the conversion of the signal current is completed and passes the drive current to the light emitting element through the channel in a state where the held voltage level is applied to the gate of the conversion use insulating gate type field effect transistor.